

**TRI-COMMUNITY RECYCLING & SANITARY LANDFILL**  
**COMMENTS REGARDING THE**  
**INITIAL DRAFT RECOMMENDATIONS OF THE**  
**BLUE RIBBON COMMISSION ON SOLID WASTE MANAGEMENT**  
**By Mark C. Draper, Solid Waste Director**

December 13, 2006

Senator Martin, Representative Duchesne, and members of the Commission: Good morning, my name is Mark Draper and I am the Solid Waste Director for Tri-Community Recycling & Sanitary Landfill, located in Fort Fairfield, Maine. I know that many of you visited our facility on your tour of Aroostook County facilities, so I am not going to take much of your time describing our operation; except to note that the facility is municipally-owned and operated, and that we provide disposal capacity for 36 communities in Aroostook County, representing approximately half of the population of the county.

I have followed the Commission's deliberations both in person, and via webcast, and certainly appreciate the opportunity to offer my comments on the initial draft of your recommendations. My comments are primarily in regard to the proposed revision of the statutory definition of a "commercial solid waste disposal facility." I'll start-off by stating that we are opposed to this revision, at least as it is currently worded, mainly because our facility would be considered a commercial facility. While there are three municipal owners of TCL, thirty-three other communities utilize TCL for disposal under contractual arrangements, and the volume of waste the contracted communities deliver far exceeds 15% of the total. However, there always has been, and there should still be, and definite distinction between a commercial and a municipal facility. This distinction arises mainly from the primary motives of each type of facility. In my mind, a commercial entity exists for essentially one reason...and that is to generate a profit for the corporate owners. While I do not consider profit a bad thing, it definitely contrasts with the motive of a municipal facility...which is to provide long-term solid waste disposal capacity for residents. In the case of TCL for example, the statute that governs the organization specifically requires a nonprofit status. Perhaps even more fundamentally, I would note

that Title 38 §1304-B specifically declares that "the State requires each municipality to provide for disposal services for domestic and commercial solid waste generated within the municipality." I don't believe any such legal obligation lies with a commercial entity. As evidenced by the Commission's recommendation to preserve the existing municipal responsibility for managing solid waste, there does not appear to be any effort to change this fact. Of course, with the legal obligation come the associated costs, which are also borne by the municipality. There are several other distinctions that could be drawn to contrast a municipal from a commercial entity, but in the interest of brevity, I'll forego an extensive deliberation at this time.

That being said, however, and please pardon my assumption of the issue, it appears to me that perhaps what the Commission is trying to do is to define a publicly-owned facility that acts like a commercial facility. And perhaps more importantly, trying to preserve precious solid waste disposal capacity for Maine residents. Apparently, what the Commission has done is to take the definition of a generator-owned landfill, and apply it to a commercial landfill. Unfortunately, this doesn't seem to work because it discourages municipal solid waste disposal on a regional basis, which is contrary to the State's desire for municipalities to work together to find common solutions and to reduce costs. If I might suggest an alternative, it would be as follows: "facilities owned by public waste disposal corporations, municipalities, and refuse disposal districts are excepted from the definition of a commercial solid waste disposal facility provided that no less than 50% of the waste received on an annual basis is generated by the owners, or by other municipalities, public waste disposal corporations, and refuse disposal districts contracted with the owners for municipal solid waste disposal services." By simple majority, if most of the waste is MSW from the municipal owners, or MSW from other municipalities contracted with the municipal owners, then it is not a commercial landfill. On the other hand, if most of the waste is not MSW from the municipal owners, or from contracted municipalities, then it could be considered a commercial landfill. I would note that I believe both source and type of waste should be considered in the definition. While the wording can be massaged in many different ways, ultimately, if the facility primarily

exists to allow municipalities to meet their obligations under the law, then it should not be considered a commercial facility.

Regarding the Commissions recommendation to develop a revised solid waste management fee structure; I generally support the options listed in the report. However, I might suggest that consideration be given to some level of support from the General Fund. Solid waste management issues affect all Mainers, and I know of no better way to obtain broad-based funding.

Finally, I would note the absence of any recommendation related to defining "out-of-state waste." Such a definition would seem to be of paramount importance considering the Commission's duties, priorities, and other recommendations. For example, I note that one of the recommendations is to establish a statutory prohibition on the future acceptance of out-of-state waste at state-owned facilities. Without clearly defining out-of-state waste, it may be very difficult to determine compliance with such a prohibition. Once again, I thank you for your attention and consideration of my comments, and would be happy to try and answer any questions you may have.